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DEPARTMENT OF STATE

Washington, D.C. 20520

12 November 1971

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MEMORANDUM TO:

| | | |
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| NRO | : | 25X1 |
| OSD/ISA | : | Mr. Lawrence Eagleburger |
| NASA | : | Mr. David Williamson |
| CIA | : | Dr. Donald Steininger |
| NASC | : | Dr. David Elliott |
| NSC | : | Mr. Barrie Carter |
| OST | : | Dr. John Martin ✓ |
| ACDA | : | Mr. Richard Durham |

FROM : Department of State - John P. Shaw

SUBJECT : Report of 156 Committee Regarding SALT

Attached is the third draft of the above report, prepared in response to the McLucas-Johnson exchange of letters. It incorporates written comments received from agencies on earlier drafts and the discussion at the 156 working group meeting November 11.

I hope that this draft is in good enough shape to be the final report and to obviate the need for a meeting of the 156 Committee principals, as I believe that it reflects accurately the general views of the agencies. Please inform Mr. Gathright (State, S/PC, 632-1009) -- who will carry on this project during my absence -- of the concurrence of your principals. If they have any comments, I hope they will be confined to major substantive issues. Upon Ambassador Johnson's return from his trip, the paper will be cleared with Ambassador Johnson and presumably will be sent out under his signature in the name of the full Committee.

Attachment:

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State Dept. review completed

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REPORT OF THE NSAM 156 COMMITTEE

SUBJECT: Observation Satellite Disclosure Policies Following Strategic Arms Limitation Agreements

THE PROBLEM:

This study examines and recommends certain steps regarding observation satellite disclosure policies in connection with the conclusion of strategic arms limitation agreements.

There is a need to establish disclosure guidelines to be followed once strategic arms limitation agreements are concluded. These agreements will be made public and, no matter what their legal form, will be subject to careful scrutiny by Congress, the press, and the public.

This study is limited to an examination of disclosure policies in this context only. It is not a vehicle for reviewing the entire scope of issues within the purview of the NSAM 156 Committee. Nor does it attempt to examine all actions which might be taken upon conclusion of the agreements. In the case of the former, USIB or the 156 Committee will be faced with the need for further action to implement the recommendations given below. In the case of the latter, the agencies of the executive branch, perhaps operating with the Verification Panel of the NSC structure, will probably need to draw up a general plan of action which will take into account the specific recommendations on disclosure policy.



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Furthermore, the recommendations below are preliminary, considering that the current phase of SALT is not yet concluded and could produce results which would affect these recommendations. Implementation of disclosure guidelines might also depend on other factors not yet known, such as Congressional attitudes. This study has therefore been put in the form of broad guidelines, the actual implementation of which would only be done at the time required, accompanied by clear and explicit safeguards which will permit continued protection of reconnaissance satellite capabilities and satellite-collected intelligence data.

BACKGROUND

Substantial agreement has been reached, ad referendum, on the terms of a verification article of a treaty or agreement limiting ABMs. The same provisions would presumably apply to an agreement or understanding on freezing the deployment of certain strategic offensive systems.

The first paragraph of the Article provides that each Party shall use national technical means of verification at its disposal.

The second paragraph provides that each Party undertakes not to interfere with the national technical means of verification of the other Party.

Under the third paragraph, the Parties undertake not


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to use special concealment measures.

We have not yet discussed with the Soviets the question as to what might be said publicly about national technical means once agreements are reached and published.

Secret consultations have been held on SALT, as the talks have progressed, with selected Congressional Committees and with US Allies, particularly NATO countries, Japan, Australia and New Zealand. In none of these consultations was any substantial question raised about the adequacy of relying "on national technical means" in verifying the strategic arms limitation agreements presently being considered, nor were any questions asked specifically concerning technical capabilities of observation satellites.

RECOMMENDATIONS

General Considerations

In projecting disclosure policies in the SALT context, it is useful to set forth several general considerations:

(1) The preservation of the permissive environment and integrity of our intelligence-gathering satellite operations continues to be a matter of overriding national importance. Until now, our disclosure policies, as adjusted over the years, have ably served this objective. Any modification of these policies should still serve this end.

(2) At the same time, the circumstances under which disclosure policies were first drawn up in the early 1960's

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have changed considerably. Quite apart from SALT, the development of an extensive Soviet observation satellite program has greatly lessened the danger of a public or private confrontation with the USSR over this issue to the detriment of US interests. The "tacit agreement" since 1963 has been dual in nature vis a vis the original unilateral conduct on the part of the US between 1960 and 1963. In addition the activities of US observation satellites have become public knowledge, thus moderating the possibility of adverse reaction to such activities from third countries as well.

(3) SALT adds a new dimension in alleviating even more the possibility of US-USSR confrontation, and in providing an incentive for public acceptance of observation satellites. If the present draft ABM agreement is adopted, both the US and the USSR will for the first time acknowledge in a bilateral covenant that "national technical means of verification" are sanctioned by the generally recognized principles of international law. Moreover, each side recognizes the criticality of accepting the other side's reconnaissance satellite activities for such an agreement as a part of its national technical means.

(4) As noted earlier, there will be a clear need -- once the agreements are concluded with the Soviets and made public -- for appropriate consultation with Congress


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on a different scale than heretofore, as this will give rise to a need to ensure confidence in verification capabilities and for guidelines on public disclosure generally in this regard. Concerning consultations with US Allies, it would seem that there is no necessity for further detailed elaboration of the composition or capabilities of "national technical means." Representatives of our Allies seem to understand full well the heavy reliance placed on observation satellites, and also to accept US judgment in regard to capabilities. However, following conclusion of the agreements, our Allies might be advised not to exceed the public line we would take on defining "national technical means" and their capabilities.

(5) The conclusion of a strategic arms limitation agreement would still not require the US to publicly disclose the scope of its observation satellite activities. In presenting an explanation and justification for reliance on"national technical means" in verifying these anticipated initial strategic arms limitation agreements, distinction can be drawn between a general description of such "means" and disclosure of precise capabilities.

(6) In regard to documenting US capabilities for verifying strategic arms limitation agreements through



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national means, an important factor to consider is that a number of key members of the US Congress are already well briefed, on a current basis, on this general subject.

The problem of devising a disclosure policy to satisfy the requirements of strategic arms limitation agreements is divisible into two parts: (1) to convince key members of Congress of our ability to monitor the strategic arms limitation agreements by sole reliance on "national technical means," and (2) to answer, for the benefit of public Congressional hearings, the press, and the public, questions that may arise concerning the character and effectiveness of national technical means.

It is most likely that the first task can be accomplished without any change in current disclosure practices -- by informing key members of Congress and the appropriate committees in executive session about satellite gathering intelligence in sufficient detail to persuade them that the agreements can be adequately monitored. In the past we have always looked to the Congressional leadership to advise us as to which individual Congressmen and which committees should be briefed on intelligence collection capabilities. By so doing, we use Congressional discipline to our advantage and assure ourselves that we are observing



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individual and committee prerogatives. It would seem in our best interests to proceed in this way as we plan for SALT ratification.

The second aspect gives rise to weightier problems. There would seem to be three alternative approaches.

First, we would refuse to elaborate in public as to what constitutes "national technical means," except to voice expression of confidence at high levels of the US Government's confidence in the capabilities of such "means" to verify the agreements reached. If asked in public Congressional hearings, or at press conferences, precisely what such "means" included, it would be necessary under this approach to resort to generalized statements such as, "the term speaks for itself," or "you can draw your own conclusions."

This approach would be in keeping with present policy of no official public acknowledgment of "the fact" of reconnaissance satellites. Arguments are made that, once public acknowledgment of "the fact" were made, it would be difficult if not impossible to avoid being drawn into a public discussion of capabilities. They also maintain that such public acknowledgment could provoke controversy with other countries -- less so with the USSR, itself operating



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reconnaissance satellites, than with third countries whose territories are overflown. (The 156 Committee recently requested the Bureau of Intelligence and Research to assess the attitudes of the Peoples Republic of China toward reconnaissance satellites.)

However, most agencies believe that, given the fact that the existence and operation by the US of observation satellites is common knowledge and regularly discussed in the press, dodges such as the comments above would seem to be both unnecessary and serve to stimulate awkward questions which could involve interlocutors in sensitive areas. The high classification presently held within the Government with regard to "the fact" of satellite reconnaissance by itself is, in a practical sense, not representative of what the public situation is. Therefore, assuming public questioning regarding SALT verification, there is no need to put US spokesmen in an unnecessarily awkward position by making them unable to acknowledge US use of observation satellites.

A second approach would be to declassify "the fact of" observation satellites so that US Government officials would be authorized to state, in response to questions as to the meaning of national technical means, that such means include information-gathering satellites. Under this



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approach, no comment would be made in regard to capabilities of satellites other than to say something along the lines that the US Government has conducted exhaustive studies concerning the ability of all our national technical assets, and that it is convinced that such national technical means will be able to provide adequate assessment of compliance or non-compliance with obligations assumed under the strategic arms limitation agreements. Officials could further state that it is in the best interest of a successful SALT arrangement that no further details be given in public about the characteristics of our national technical means.

The third alternative would be to allow Government spokesmen to say something about the characteristics of our observation satellites according to some formula or guideline which would outline the disclosure steps that could be taken and the risks involved in each.

Most agencies do not support this approach. They point out that our experience over the last several years demonstrates that intelligent and aware questioners cannot be satisfied about the efficacy of our verification capability in SALT without being exposed to almost all of the details of our intelligence-gathering apparatus. There is no small disclosure step that spokesmen can make to an



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intelligent public and press which would satisfy them about our verification capabilities. At the same time, such limited disclosures would encourage further pressure for additional details which would be difficult to resist. The same disadvantage cannot be attributed to the disclosure of the "fact of" US operation of observation satellites (as suggested in the second alternative above) since this information, in effect, is already public knowledge.

RECOMMENDATIONS

With these considerations in mind, the 156 Committee makes the following recommendations:

(1) In order to ensure confidence in our capability to verify strategic arms limitation agreements, plans should be made for conducting briefings on these capabilities in executive session of Congressional Committees directly concerned with strategic arms limitation agreements. Implementation of these briefings should be coordinated between the principal agencies concerned -- the White House, CIA, the Department of State, the Arms Control and Disarmament Agency, the Department of Defense, the National Reconnaissance Office, and the Joint Chiefs of Staff. The Committees should also be briefed on proposed statements relating to Recommendations (2), (3), and (4).



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(2) The "fact of" satellite reconnaissance should be declassified. Spokesmen for the Executive Branch should not volunteer a definition of "national technical means." When asked, in open Congressional hearings, they should explain that national technical means "include information-gathering satellites." The substance of this response should also be used in answering press inquiries. Spokesmen should clearly be made aware of the limited extent of declassification.

(3) Administration spokesmen, including those appearing before open Congressional hearings, should state that, after exhaustive study, the US Government has concluded that "national technical means" would be able adequately to monitor compliance with the provisions of the strategic arms limitation agreements. They could also point out two sides have agreed not to interfere with the national technical means of verification of the other side. Spokesmen should also state, as required, that it is in the best interest of a successful SALT arrangement that no further details be given in public about the characteristics of our national technical means.

(4) It will be essential to consider, at an appropriate time, the desirability of conveying informally our intention to make the above statements to Soviet authorities, and



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obtaining their acceptance thereof.

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These recommendations, if accepted, will require further study and planning by the Verification Panel and USIB prior to their implementation.

The NSC Staff representative cannot associate himself with recommendations (2) and (3) until further studies are completed.



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